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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 AIG SPECIALTY INSURANCE COMPANY,)
11 Plaintiff(s),)
12 v.)
13 LIBERTY MUTUAL FIRE INSURANCE)
14 COMPANY,)
15 Defendant(s).)

Case No. 2:17-cv-01260-APG-NJK

ORDER

(Docket No. 74)

16 Pending before the Court is Plaintiff's motion to stay discovery pending resolution of its motion
17 for summary judgment. Docket No. 74; *see also* Docket No. 14 (motion for summary judgment).
18 Defendant filed a response in opposition, and Plaintiff filed a reply. Docket Nos. 83, 84. The Court held
19 a hearing on the motion on December 18, 2017. For the reasons discussed below, the Court **DENIES**
20 the motion to stay discovery and **ORDERS** the parties to file a joint proposed discovery plan by
21 December 28, 2017.

22 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*,
23 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic
24 or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay*,
25 *Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making
26 a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda*
27 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to
28 stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the

1 potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken
2 a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that dispositive
3 relief will be ordered. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

4 A stay of discovery is not appropriate in this case. Indeed, Plaintiff failed to show as a threshold
5 matter that its motion for summary judgment is case-dispositive in scope. As Defendant points out, that
6 motion addresses only some of the 84 causes of action in this case and does not address any affirmative
7 defenses. A stay of all discovery is not warranted in light of the non-dispositive nature of the motion.²

8 Accordingly, the Court **DENIES** the motion to stay discovery and **ORDERS** the parties to file
9 a joint proposed discovery plan by December 28, 2017.

10 IT IS SO ORDERED.

11 DATED: December 18, 2017

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14 NANCY J. KOPPE
15 United States Magistrate Judge
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24 ¹ In reply, Plaintiff suggests that these standards need not be met because Defendant has filed its own
25 motion for summary judgment. Docket No. 84 at 2. The Court is not persuaded that such a filing obviates
26 the need to meet the applicable standard.

27 ² The failure to establish that the motion for summary judgment is case-dispositive alone dooms
28 Plaintiff’s motion to stay all discovery. As such, the Court need not address whether that motion can be
decided without additional discovery and whether the Court is convinced that the motion will be granted.